

# Summary of Input from State, Territory, and Tribal Partners for OECA's FY 2023-2024 National Program Guidance

## Process for Soliciting Early Input

EPA's Office of Enforcement and Compliance Assurance (OECA) solicited early input on development of the FY 2023-2024 National Program Guidance from the following groups:

Name of Organization	Venue	Date
Association of Air Pollution Control Agencies (AAPCA)	Email solicitation	8/16/2021
Association of American Pest Control Officials (AAPCO)	Email solicitation	8/16/2021
Association of Clean Water Administrators (ACWA)*	Email solicitation	8/16/2021
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)*	Email solicitation	8/16/2021
Association of State Drinking Water Officials (ASDWA)*	Email solicitation	8/16/2021
Environmental Council of the States (ECOS)*	Email solicitation	8/16/2021
National Association of Clean Air Agencies (NACAA)*	Email solicitation	8/16/2021
National Association of State Departments of Agriculture (NASDA)	Email solicitation	8/16/2021
National Tribal Water Council	Email solicitation Conference call	8/27/21 9/8/21
National Tribal Caucus	Email solicitation	8/25/21
Tribal Pesticides Program Council	Email solicitation	8/26/21

\*Organization provided early input to OECA; comments were also submitted by the State of Wyoming Department of Environmental Quality.

## Highlights of Early Input from States, Tribes and Associations

- Commenters expressed a desire for states and tribes to be involved in conversations about establishing measures related to work to address environmental justice and/or climate change. One commenter said that progress on these two issues may not be best explained by traditional measures and metrics.
- Commenters would like more clarity and collaboration on performance measures. EPA should detail methodologies for measures and explain what and how specific data will be captured and used so states would better understand how their progress is being measured. EPA should give states and tribes ample opportunity for input and collaboration on specific standards states are expected to meet.
- Flexibility should be built into the guidance to allow states and other partners to adapt to fluid circumstances such as pandemic events and natural disasters. Compliance determinations, alternative strategies for compliance monitoring and assurance, and use of funds were particular areas where flexibility was desired and could support resource optimization.

- Co-regulators would like EPA to continue to provide training opportunities to build capacity for enforcement, compliance monitoring, and compliance assurance work. On-site, facility-based training programs would be valuable.
- Most commenters would like EPA to continue to invest in data systems to improve the interoperability between state and federal databases and to modernize EPA data systems. Commenters would like OECA to consider state and tribal data system capacity when measuring performance and effectiveness and involve states and tribes when modifying OECA data systems. EPA should allocate additional IT resources/staff or funding to develop better tools that will ensure timely and accurate data entry of inspections and compliance and enforcement data.
- Commenters would like EPA to develop technical and legal guidance and training for remote inspection techniques and tools that would enhance efficiency and resilience. Commenters also requested that EPA clarify the minimum expectations that could count toward commitments.
- Two commenters suggested revisiting criteria or use of noncompliance metrics, such as health-based violations (HBVs), significant noncompliance (SNC) and high-priority violations (HPVs) to better prioritize violations and enforcement.

## Next Steps

OECA and the EPA regions will consider the early input received from state, territory, and tribal partners in developing the FY 2023-2024 National Program Guidance.